

# STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY **DEPARTMENT OF SOCIAL SERVICES**

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September 14, 2015

Mr. Mike Miller, Director San Joaquin County Human Services Agency 102 San Joaquin Street P. O. Box 201056 Stockton, CA 95201-3006

Dear Mr. Miller:

I want to take this opportunity to thank you and your staff for the cooperation and assistance provided to the reviewer from our office during the course of the Civil Rights Compliance Review of May 18-22, 2015. Enclosed is the final report on the review.

There are some compliance issues (deficiencies) identified in the report, which will require the development of a Corrective Action Plan (CAP). Please submit your CAP within 60 days of this letter. Please address each deficiency and include steps and time lines for the completion of all corrective actions and recommendations listed in the enclosed report.

Please submit your CAP in both hardcopy and, in an effort to comply with ADA website accessibility, we also require the CAP to be submitted electronically as a Word document via email at crb@dss.ca.gov.

We will provide a copy of your report to any individual who makes a valid Public Records Act (PRA) request. Our reports are considered public documents under the PRA. Once we approve your CAP, it becomes a public document as well. In addition, these documents are published on our website at <a href="http://www.cdss.ca.gov/civilrights/PG2890.htm">http://www.cdss.ca.gov/civilrights/PG2890.htm</a>.

If you need technical assistance in the development of your CAP, please feel free to contact Daniel Cervantes at (916) 654-0946. You may also contact us by e-mail at <a href="mailto:crb@dss.ca.gov">crb@dss.ca.gov</a>.

Sincerely.

Original signed by Civil Rights Bureau Chief

JIM TASHIMA, Chief Civil Rights Bureau Human Rights and Community Services Division

### Enclosure

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# CIVIL RIGHTS COMPLIANCE REVIEW REPORT FOR

# SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY

**Conducted on** 

May 18-22, 2015

California Department of Social Services

Human Rights and Community Services Division

Civil Rights Bureau

744 P Street, M.S. 8-16-70

Sacramento, CA 95814

(916) 654-2107

Reviewer:

**Daniel Cervantes** 

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### **CIVIL RIGHTS COMPLIANCE REVIEW REPORT**

### I. <u>INTRODUCTION</u>

The purpose of this review by the California Department of Social Services (CDSS) Civil Rights Bureau (CRB) staff was to assess the Sacramento County Department of Human Assistance with regard to its compliance with CDSS Manual of Policies and Procedures (MPP) Division 21 Regulations, and other applicable state and federal civil rights laws.

An on-site compliance review was conducted on May 18, 2015 to May 22, 2015. An exit interview was held on May 22, 2015, to review the preliminary findings.

The review was conducted in the following locations:

Name of Facility	Address	Programs	Non-English languages spoken by a substantial number of clients (5% or more)
San Joaquin Human Services Agency	102 S. San Joaquin St. Stockton, CA 95202	All Programs	Spanish
CalWORKS Employment Center	900 E. Oak St., 2 <sup>nd</sup> Floor Stockton, CA 95202	CalWORKs	Spanish
San Joaquin General Hospital	500 W. Hospital Road French Camp, CA 95202	NAFS, CalWORKS	Spanish

### II. SUMMARY OF METHODOLOGY

In preparing for this review, CDSS staff completed the following tasks:

- Reviewed the 2014/15 Civil Rights Compliance Plan submitted by the County.
- Reviewed the civil rights discrimination complaint database for a complete listing of complaints filed against the County for the last year.
- Reviewed the previous Compliance Reviews and Corrective Action Plans submitted by the county.

Headquarters and on-site review procedures included:

- Interviews of public contact staff
- Survey of program managers
- Case file reviews
- Facility inspections

Each site/program was reviewed for compliance in the following areas:

- Dissemination of Information
- Facility Accessibility for Individuals with Disabilities
- Bilingual Staffing/Services for Non-English-Speaking Clients
- Accessibility for Clients with Visual or Hearing Impairments
- Documentation of Client Case Records
- Staff Development and Training
- Discrimination Complaint Procedures

Here is a summary of the sources of information used for the review:

### **Interviews Conducted of Public Contact Staff**

Classifications	Total	Bilingual
Eligibility Workers	7	5
Children Social Workers	4	2
Adult Program Workers	4	2
Receptionist/Screeners	4	4
Total	19	13

### **Program Manager Surveys**

Number of surveys distributed	4
Number of surveys received	4

### **Reviewed Case Files**

English speakers' case files reviewed	10
Non-English or limited-English speakers' case files	75
reviewed	
Languages of clients' cases	English, Spanish, Farsi,
	Vietnamese, Russian,
	Hmong, Cambodian

Sections III through IX of this report contain specific Division 21 civil rights requirements and present field review findings regarding the county's compliance with each requirement. The report format first summarizes each requirement, then the actual

review team findings, including appropriate comparisons. This format is an effort to validate the application of policies and procedures contained in the annual plan. Required corrective actions are stated at the end of each section.

Section X reviews the county's compliance plan, and provides either approval of the plan as submitted, or lays out additional information to be submitted to gain approval.

Section XI highlights issues pointed out by Community Input and summarizes Reviewer Observations.

Section XII of the report is reserved for a declaration of overall compliance.

### III. <u>DISSEMINATION OF INFORMATION</u>

Counties are required to disseminate information about program or program changes and about how applicants and recipients are protected by the CDSS regulations (Division 21). This dissemination should occur through outreach and information to all applicants, recipients, community organizations, and other interested persons, including non- and limited-English speakers and those with impaired hearing or vision or other disabling conditions.

### A. Findings

Access to Services, Information and Outreach	Yes	No	Some- times	Comments
Does the county accommodate clients by flexing/extending their hours or allowing applications to be mailed in?	X			San Joaquin HSA clients can fill out Food Stamp Applications online. The county also makes accommodations for working clients by providing early morning and evening hours as necessary. They can also mail applications in when necessary.
Can applicants access services when unable to go to the office?	X			Accommodations can be made for clients on an as needed basis.
Does the county ensure the awareness of available services for individuals in remote areas?	Х			San Joaquin HSA has offices throughout the county that allow

clients access to services remotely. Further, the county also provides brochures, pamphlets, and posters at a variety of events/locations within the county. Information is also available from the San Joaquin
County HSA website.

Signage, posters, pamphlets	Yes	No	Some- times	Comments
Does the county use the CDSS pamphlet "Your Rights Under California Welfare Programs" (Pub 13 – 6/11)?	X			All lobbies visited all had the PUB 13 pamphlet in various languages displayed. Further, all receptionists were able to identify the PUB 13 in Braille, large print, and audio. All county staff interviewed understood the importance of the PUB 13. The PUB 13 is being provided to and explained to each client.
Is the pamphlet distributed and explained to each client at intake and re-certification?	X			See comments above.
Is the current version of Pub 13 available in Arabic, Armenian Cambodian, Chinese, English, Farsi Hmong, Japanese, Korean, Lao Mien, Portuguese, Punjabi, Russian Spanish, Tagalog, Ukrainian, and Vietnamese?	X			The lobbies visited had the most recent version of the PUB 13 is the required languages. The remaining languages were available upon request.
If the PUB 13 is not displayed in all	X			All required languages

Signage, posters, pamphlets	Yes	No	Some- times	Comments
the languages available, is there a poster that indicates that the Pub 13 is available in all 18 languages?				were prominently displayed in the lobbies visited.
Was the Pub 13 available in large print (English and Spanish), CD, audiocassette and Braille?	X			All offices visited had the required formats of the PUB 13.
Were the current versions of the required posters present in the lobbies?		X		The most recent versions of the required posters were present in the lobbies.  *During the review, one of the posters at HSA headquarters was partially covered by another piece of paper.  The "And Justice for All" poster at the San Joaquin Hospital location was posted behind the reception counter. It was not visible to the public.
Were there instructional and directional signs posted in waiting areas and other places frequented by a substantial number of non-English-speaking clients translated into appropriate languages?	X			San Joaquin Co. HSA does a great job ensuring that all directional and information signage is in the required languages.

### **B.** Corrective Actions

Informational Element	Corrective Action Required
Posters	San Joaquin County HSA shall ensure that the most current version of posters on nondiscrimination provided by CDSS and USDA are prominently displayed in all waiting areas and reception rooms. Div. 21-107.211

### C. Recommendation

The county is required to use the latest version of each of the referenced documents. For your information, the most recent version for each of the above referenced documents is:

Pub 13	"Your Rights under California Welfare Programs"	06/11
Pub 86	"Everyone is Different, but Equal Under the Law"	03/07
Form AD 475B	"And Justice for All"	12/99

Contact the Civil Rights Bureau to receive the most recent versions, or download the Pub 13 from the CRB website

http://www.cdss.ca.gov/civilrights/entres/forms/English/pub13.pdf.

### IV. FACILITY ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

The Americans with Disabilities Act (ADA) requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. The goal is to afford every individual the opportunity to benefit from the services available. The federal regulations require that architectural and communication barriers that are structural must be removed in public areas of existing facilities when their removal is readily achievable; in other words, easily accomplished and able to be carried out without much difficulty or expense.

The facility review is based on four priorities supported by the ADA regulations for planning achievable barrier removal projects. The priorities include ensuring accessible approach and entrance to the facility, access to goods and services, access to restrooms, and any other measures necessary.

Note that the references to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) in the Corrective Action column refer to the federal Standards for Design. Title 24 of California Code and Regulations (T24 CCR) is also cited because there are instances when California state law is stricter than ADAAG specifications.

The county must ensure that programs and activities are readily accessible to individuals with disabilities. This includes building accessibility and availability of accessible parking as well as accessibility of public telephones and restrooms.

Regulations cited are from the Title 24, California Code of Regulations (T24 CCR) and ADAAG.

### A. Findings and Corrective Actions

### 1. Facility Location: 102 S. San Joaquin St., Stockton, CA 95202

Facility Element	Findings	Corrective Action
Restroom	Door pressure excessive:	The force required to activate
		operable parts shall be 5 lbs.
	Men's at 8 lbs.	(CA T24 11B-309.4) (ADA
	Woman's at 9lbs.	309.4) pg 224

### 2. Facility Location: 900 W. Oak Street, (2<sup>nd</sup> Floor) Stockton, CA 95202

Facility Element	Findings	Corrective Action
Restroom	Door pressure excessive:	The force required to activate operable parts shall be 5 lbs.
	2 <sup>nd</sup> floor Men's restroom at 9 lbs.	(CA T24 11B-309.4) (ADA 309.4) pg 224
	and floor Mamon's at 0	713
	2 <sup>nd</sup> floor Woman's at 9 lbs.	
	3 <sup>rd</sup> floor Men's restroom at 10 lbs.	
	3rd floor Woman's at 9 lbs.	

# V. PROVISION FOR SERVICES TO APPLICANTS AND RECIPIENTS WHO ARE NON-ENGLISH-SPEAKING OR WHO HAVE DISABILITIES

Counties are required by Division 21 to ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English-speaking population and individuals with disabilities without undue delays. Counties are required to collect data on primary language and ethnic origin of applicants/recipients (identification of primary language must be done by the applicant/recipient).

Using this information, a county may determine 1) the number of public contact staff necessary to provide bilingual services, 2) the manner in which they can best provide interpreter services without bilingual staff and 3) the language needs of individual applicants/recipients. Counties must employ an appropriate number of certified

bilingual public contact employees in each program and/or location that serves a substantial number of non-English-speaking persons. In offices where bilingual staff are not required because non-English-speaking persons do not represent a substantial number, counties must provide effective bilingual services through interpreter or other means.

Counties must also provide auxiliary aids and services, including Braille material, taped text, qualified interpreters, large print materials, telecommunication devices for the deaf (TDD's), and other effective aids and services for persons with impaired hearing, speech, vision or manual skills. In addition, they must ensure that written materials be available in individuals' primary languages when the forms and materials are provided by CDSS, and that information inserted in notices of action (NOA) be in the individuals' primary language.

# A. Findings from Program Manager Surveys, Staff Interviews and Case File Reviews

Question	Yes	No	Some- times	Comments
Does the county identify a client's language need upon first contact? How?	Х			Clients provide signage in the required threshold languages If needed, the I SPEAK card is used to help identify a client's language.
Does the county use a primary language form?	X			County form SJ 100
Does the client self- declare on this form?	Х			Clients select their preferred written and spoken language, then signs and dates on the back of the form.
Are non-English- or limited- English-speaking clients provided bilingual services?	Х			Spanish speakers are normally assigned a Spanish speaking worker. Other languages are offered county certified interpreters in their preferred language as needed. If the worker cannot communicate with the client, interpretation is achieved using a language line.
After it has been determined that the client is limited-English or non-English speaking, is there a county process for	Х			San Joaquin County has certified bilingual workers that speak a variety of languages to serve the majority of the population. Also, San Joaquin

Question	Yes	No	Some- times	Comments
procuring an interpreter?				HSA has a contract with Certified Languages International (CLI) to provide translation services over the phone.
Does the county have a language line provider, a county interpreter list, or any other interpreter process?	Х			San Joaquin HSA uses CLI for telephone interpreter services. CLI has resources to interpret in 140 different languages.
Is there a delay in providing services?		Х		Since clients can normally be paired with a certified bilingual worker in their own designated languages, services are almost always immediate. In instances where a bilingual worker cannot be paired with the client, the language line is used.
Are county interpreters determined to be competent?	Х			Bilingual workers must pass a language proficiency test administered by San Joaquin County Human Resources Division. Only certified bilingual staff is used to interpret for clients.
Does the county have adequate interpreter services?	Х			In almost all situations, San Joaquin County can provide the interpretive service in house.
Does the county allow minors to be interpreters? If so, under what circumstances?		Х		None of the workers interviewed stated that they allow minors to interpret.
Does the county allow the client to provide his or her own interpreter?			Х	Although the county's preference is to use their own certified interpreters, it is normal for clients to request to use their own interpreter.
Does the county ensure that the client-provided interpreter understands what is being interpreted	Х			County workers make an early determination as to whether client-provided interpreters are competent. If not, the county

Question	Yes	No	Some-	Comments
			times	
for the client?				worker may request their own interpreter.
Does the county use the CDSS-translated forms in the clients' primary languages?			X	In general, the forms were provided to the client in their preferred language.
				The SAWS 1 was almost always found in English. Of all the languages reviewed, the SAWS 1 was only found in Spanish 1 time.
Is the information that is to be inserted into NOA translated into the client's primary language?	X			
Does the county provide auxiliary aids and services, TDD's and other effective aids and services for persons with impaired hearing, speech, vision or manual skills, including Braille material, taped text, large print materials (besides the Pub 13)?	X			Yes. The county uses California Relay Services for communication with the hearing impaired. The agency also contracts with Nor-Cal Center for Deafness to provide services on an as needed basis.
Does the county identify a client with a disability (physical, mental, or learning)?	X			Public contact staff is trained to identify needs by the client. Upon contact, any necessary accommodations are noted on county form HSA 36. The form is then filed in the client's case file on top of other paperwork so that, regardless of who might handle the client, the need for the accommodation will be readily evident.
Does the county provide reasonable accommodations to clients with a disability (physical, mental, or	X			

Question	Yes	No	Some- times	Comments
learning)?				
Does the county identify and assist the client who has learning disabilities or a client who cannot read or write?	Х			Screening is offered in the Employment Services program at orientation.
Does the county offer screening for learning disabilities?	Х			Screening is offered in the Employment Services program at orientation.
Is there an established process for offering screening?				If a worker suspects a learning disability, they are referred to the local junior college for further examination.
Is the client identified as having a learning disability referred for evaluation?				Clients are referred to the local junior college for further examination.

### **B.** Corrective Actions

Area of Findings	Corrective Actions
Written Materials	San Joaquin County HSA must use and provide translated forms, to include translated notice of action forms, in the clients' primary languages when translated by CDSS. Div. 21-115.2

### VI. <u>DOCUMENTATION OF APPLICANT/RECIPIENT CASE RECORDS</u>

Counties are required to ensure that case records document applicant's/recipient's ethnic origin and primary language, the method used to provide bilingual services, information that identifies an applicant/recipient as disabled, and an applicant's/recipient's request for auxiliary aids and services.

# A. Findings from Case File Reviews and Staff Interviews

Documented Item	Children's Services	Adult Programs (IHSS & APS)	CalWORKs & Employment Services	Non- Assistance CalFresh
Ethnic origin documentation	SOC 158, CPS2	ACS 48	SAWS 1, SOF	SAWS 1
Primary language documentation	SJ100, CWS/CMS	SJ100, ACS48	SJ100, SAWS 1	SJ100, SAWS 1
Method of providing bilingual services and documentation	Services were provided through a bilingual worker or the language line. There were cases where the service(s) were not documented.	Services were provided through a bilingual worker or the language line. There were cases where the service(s) were not documented.	Services were provided through a bilingual worker or the language line. There were cases where the service(s) were not documented.	Services were provided through a bilingual worker or the language line. There were cases where the service(s) were not documented.
Client provided own interpreter	HSA 31	HSA 31	HSA 31 There were cases where the service(s) were not documented.	HSA 31 There were cases where the service(s) were not documented.
Method to inform client of potential problem using own interpreter  Release of information to Interpreter	Worker verbally informed client of the possibility of ineffective communication HSA 31	Worker verbally informed client of the possibility of ineffective communication HSA 31	Worker verbally informed client of the possibility of ineffective communication HSA 31	Worker verbally informed client of the possibility of ineffective communication HSA 31

Documented Item	Children's Services	Adult Programs (IHSS & APS)	CalWORKs & Employment Services	Non- Assistance CalFresh
Individual's acceptance or refusal of written material offered in primary language	SJ100	SJ100	SJ100	SJ100
Documentation of minor used as interpreter	Minors not used	Minors not used	Minors not used	Minors not used
Documentation of circumstances for using minor interpreter temporarily	Minors not used	Minors not used	Minors not used	Minors not used
Method of identifying client's disability	SOF, Case narrative	ACS 48, SOF, Case narrative	SOF, Case narrative	SOF, Case narrative
Method of providing reasonable accommodatio n to the client with disability	Case narrative	Case narrative	Case narrative	Case narrative

### A. Corrective Actions

Areas of Action	Corrective Action
Documentation if client provided own interpreter	When applicants/recipients provide their own interpreter, the CWD shall ensure that the applicants/recipients are informed of the potential problems for ineffective communication. The CWD shall document in the case record that the applicants/recipients

Areas of Action	Corrective Action
	were so informed. Div. 21-116.23
Documentation of interpreter signed confidentiality statement	Consent for the release of information shall be obtained from applicants/recipients when individuals other than CWD employees are used as interpreters and the case record shall be so documented.  Div. 21-116.24
Documentation of primary language	Each agency shall ensure that case record identification shows the applicant's/recipient's ethnic origin and primary language.  Div. 21-201.21
Documentation that bilingual services were provided	Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter.  Div. 21-116.22
General	San Joaquin County HSA must ensure that proper documentation is kept in the file that identifies all the required elements to ensure compliance.  Div. 21-116

### C. Recommendation

Over the past three reviews, the documentation of case files has progressively improved. San Joaquin HSA shall continue to remind county employees the importance of not only offering the services to the client, but also documenting the acceptance/refusal of the services. Oftentimes, the need to document the services provided is overlooked as the county employee is providing the interpretive service. He/she is still proving a service which must be documented.

### VII. STAFF DEVELOPMENT AND TRAINING

Counties are required to provide civil rights and cultural awareness training for all public contact employees, including familiarization with the discrimination complaint process and all other requirements of Division 21. The training should be included in orientation, as well as the continuing training programs.

# A. Findings

Interview questions	Yes	No	Some- times	Comments
Do employees receive continued Division 21 Training?	Х			Staff is trained through a variety of avenues. Staff stated that they regularly receive trainings to remain current with the most up to date civil rights information.
Do employees understand the county policy regarding a client's rights and procedure to file a discrimination complaint?	X			The Civil Rights Coordinator ensures all county employees are aware of her duties and how to get a hold of her without undue delay.
Does the county provide employees Cultural Awareness Training?	X			Staff is trained through a variety of avenues. Staff stated that they regularly receive trainings to remain current with the most up to date civil rights information.
Do the CSW's have an understanding of Multi-Ethnic Placement Act (MEPA)?	X			MEPA training is incorporated with civil rights and cultural awareness training.
Do the employees seem knowledgeable about the predominant cultural groups receiving services in their area?	Х			
Does the county provide training on how to interact with clients with disabilities (physical, mental & learning)?	Х			San Joaquin HSA has always made a concerted effort to accommodate clients with disabilities. Accessibility training is provided as needed.

### **B.** Corrective Actions

None

### VIII. <u>DISCRIMINATION COMPLAINT PROCEDURES</u>

Counties are required to maintain a process for addressing all complaints of discrimination. They must track complaints of discrimination through the use of a control log in which all relevant information is kept, including when the complaint was received, the name of the complainant, identifying numbers and programs, basis of discrimination, and resolution. It is usually the Civil Rights Coordinator responsibility to maintain this log.

### A. Findings from Staff Interviews and Program Manager Surveys

Interview and review areas	Yes	No	Some- times	Findings
Can the employees easily identify the difference between a program, discrimination, and a personnel complaint?	Х			All staff interviewed were able to distinguish the different types of complaint without issue.
Did the employees know who the Civil Rights Coordinator is?	Х			
Did the employees know the location of the Civil Rights poster with information as to how and where the clients can file a discrimination complaint?			X	All staff interviewed knew a poster with the Civil Rights Coordinator's information was available in the lobby. Not all staff interviewed knew the location of the poster. It is important to know the location of the poster so county workers can direct clients/complainants to the CRC's contact information.
When reviewing the complaint log with the Civil Rights Coordinator, was it complete and up to date?	Х			
Is the County utilizing correct correspondence to address the final results to the complainant after the investigation is completed?	Х			

### **B.** Corrective Action

Element	Corrective Action
Civil Rights Coordinator	San Joaquin County HSA shall ensure that staff is knowledgeable regarding contact information of the civil rights coordinator, at minimum, where the information can be located.  Div. 21-117 and 21-107.21

### IX. <u>VENDOR CONTRACTS</u>

Counties are required to ensure contracted services with contractors, vendors, consultants, and other providers of service, who receive state or federal assistance, include the assurance of compliance agreement.

#### **Contracts Review**

Number of Contracts Reviewed	10
Number of Contracts w/Assurance of Compliance Agreement	10

#### A. Corrective Action

None

### X. <u>COMMUNITY INPUT</u>

As a part of this review, and as noted in Section II, feedback was sought from community and advocate groups. Civil Rights Bureau did not receive a response from advocate groups after being notified of the compliance review.

### XI. CIVIL RIGHTS COMPLIANCE PLAN REVIEW AND APPROVAL

The San Joaquin County Human Services Agency's Civil Rights Compliance Plan for the period May 1, 2014 – April 30, 2015, was received on February 2, 2015. It is approved as submitted.

### XII. CONCLUSION

The CDSS reviewer found the San Joaquin County Human Services Agency's staff warm, welcoming, informative and very supportive. Particular thanks to Melissa

Sangalang, Civil Rights Coordinator, for organizing the details of the review. In each Office visited, staff were very helpful with the facility reviews, case reviews, and computer assistance.

The CDSS found the San Joaquin County Human Services Agency in substantial compliance with CDSS Division 21 Regulations, and other applicable state and federal laws. County staff continues to reflect a commitment similar to that expressed by management with respect to ensuring access, assistance, and compliance.

The San Joaquin County Human Services Agency must remedy the deficiencies identified in this report by taking corrective actions. A corrective action plan must be received by CDSS within 60 days of the date of the cover letter to this report; and the plan must include a schedule of all actions that will be taken to correct the deficiencies, and an indication of who will be responsible for implementing the corrective action.

It is our intent that this report be used to create a positive interaction between the county and CDSS in identifying and correcting compliance violations and to provide the county with an opportunity to implement corrective action to achieve compliance with Division 21 regulations. Civil Rights staff is available to provide technical assistance as requested.